

THE HON'BLE SRI JUSTICE P.S.NARAYANA

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WRIT PETITION NO.13475 of 2006

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DATED: 04.07.2006

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Between:
Evuri Prabhavathi. .. PETITIONER

Versus

Pithapuram Municipality, represented by
its Commissioner, Pithapuram, East
Godavari District. .. RESPONDENT

WRIT PETITION NO.13475 of 2006

ORDER:

Heard the learned counsel.

2. The Writ Petition is filed praying for a Writ of Mandamus declaring the action of respondent in proposing to demolish the house bearing No.7-3-37A, Ward No.7, Main Road, Pithapuram, East Godavari District of the petitioner reserved there being any Land Acquisition Proceedings without following the Hyderabad Municipalities Act, 1955, as highly illegal, arbitrary and in violation of Section 146 of Hyderabad Municipalities Act, 1955, contrary to provisions of Land Acquisition act and in violation of provisions under Article 300-A of Constitution of India and consequently direct the respondent not to initiate any proceedings to demolish house bearing No.7-3-37A, Ward No.7, Main Road, Pithapuram, East Godavari District of the petitioner without following due procedure of law and pass such other suitable orders.

3. It is stated that the petitioner is the absolute owner and possessor of house bearing No.7-3-37A, Ward No.7, Main Road, Pithapuram, East Godavari District and she has been in absolute possession and enjoyment of the same, and she is also paying all the taxes payable to the Municipality as well as to the Government without any default. It is also stated that the respondent under the guise and pretext of widening the main road, started threatening to proceed with the demolition activity of the entire premises abutting the road on either side in Ward No.7 for the last several months. It is also stated that the respondent has no authority to demolish the petitioner's house under

the guise of extension of road without following due process of law, i.e., without acquiring the property under the Land Acquisition Act or without resorting to the provisions of Hyderabad Municipality Act, 1955. It is also stated that the petitioner was not put on notice in this regard.

4. It is needless to say that before proceeding to take up any demolition activity, the respondent-Municipality is expected to follow due process of law.

In view of the same, the Writ Petition is disposed of with a direction to the respondent not to proceed with the demolition activity relating to the subject matter of the Writ Petition unless and until due process of law is followed. No costs.

04.07.2006

SSR